

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-16 are pending and are rejected. Claims 1, 3, 6 and 9 are independent in form. Claims 1, 3, 6 and 9 are herein amended. New claims 17-20 are added. No new matter has been added.

Claim Rejections under 35 USC §112

Independent claims 1, 3 6 and 9 have been rejected under 35 USC §112, first paragraph, because, in the Examiner's opinion, the limitation "... even if the selected zone is changed by said zone selecting means" is not described in the specification. (See ¶4 of the Office Action.)

While Applicants do not agree that this subject matter is not described, Applicants have removed the language objected to by the Examiner as not being supported by the specification, rendering the rejection under 35 USC §112 moot.

Claim Rejections in View of Prior Art

The Examiner has maintained the rejections of the pending claims in view of the prior art which are as follows:

Independent claim 1 has been rejected under 35 U.S.C. §102(b) as allegedly anticipated by the previously cited Mimura. The remaining claims have been rejected under 35 USC §103 as being unpatentable over Mimura in combination with other references, all of which were also previously cited, as follows: claim 2: Mimura in view of the previously cited Munson; claims 3-5 Mimura in view of the previously cited Iwasaki; claims 6-8 Mimura in view of

Iwasaki and further in view of the previously cited Shimuzu; claims 9-15 Mimura in view of Iwasaki and further in view of the previously cited Faltermeier; and claim 16 Mimura in view of Iwasaki and Faltermeier and further in view of the previously cited Arai.

As for the arguments set forth in Applicants' previously filed amendment (March 26, 2003) regarding the teachings of Mimura, the Examiner disagrees with Applicants' stated position and contends that Mimura discloses that once the photometric area is specified, the optimum amount of light is determined, and based on the determined optimum amount of light, the object located on the selected photometric area is photographed. (See ¶2, page 2 of the Office Action.)

Applicants had previously argued (in an amendment filed August 6, 2002) that the teaching of Mimura is not detecting an exposure condition on the basis of an image signal in a selected zone and controlling exposure based upon the detected exposure condition as claimed but rather the masking and ignoring of Mimura is a teaching in direct contrast to our understanding that exposure control in the present invention is performed **on the basis of** the image signal **in** the selected zone, as previously pointed out.

With reference to the August 6, 2002 amendment, Mimura (col. 2, line 48 to col. 3, line 20) states as follows (emphasis added):

Now, as shown in FIG. 2, if high luminal spot light is incident on the blocks of 21-2, 21-3 and 21-7 of the field of image 21 and a mirror reflecting the light on the blocks of 21-10 and 21-15, and the subject image to be picked up incident on the blocks including the blocks 21-13, 21-14, 21-18 and 21-19 is so dark that it cannot be seen, operate the photometric area selecting switch 10.

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As a result, which blocks of the photometric areas where the subject to be picked up is located can be known correctly. In this

case, the photometric area selecting switch 10 is operated so as to mask the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 of the field of image 21. Correspondingly, the microcomputer 11 excludes the signal for the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 and controls the lens drive circuit 2 on the basis of the signal for the remaining blocks. The microcomputer 11 controls the display circuit 6 so that the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 are "painted over". These blocks are painted over also at the output terminal 9. The blocks painted over and the dividing lines disappear after a predetermined time so that only the image from the CCD will be outputted at the output terminal 9.

Once the photometric area is specified, the lens drive circuit 2 is controlled on the basis of the signal for the blocks other than the blocks 21-2, 21-3, 21-7, 21-10 and 21-15.

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In this way, in accordance with the embodiment described above, by operating the photometric area selecting switch 10, any block of 25-divided blocks 21-1 to 21-25 on the field of image 21 can be easily specified as a masking area. Hence, the subject which is too dark to see because of backlight becomes to be seen by adjusting an optimum amount of light of the remaining photometric areas.

Mimura thus allows a user to select an area of an image that is to be *ignored* (vis-à-vis luminance) in setting or adjusting the lens to capture a desired image. This understanding of Mimura is further evidenced by the language of claim 1 of Mimura (emphasis added):

1. An image pick-up device having an auto lens control function for automatically controlling a level of incident light in accordance with an intensity of light from a photometric area of an object, the image pick-up device comprising:
  - image pick-up means for providing a video image of the object;
  - section means for sectioning the video image into a plurality of sectional images;
  - display means for displaying the plurality of sectional images;
  - selection means for *selecting one or more designated sectional images from among the plurality of sectional images*; and
  - control means for performing the auto lens control function in accordance with a light intensity of *the plurality of sectional images other than the one or more designated sectional images*.

In the instant Office Action, the Examiner concedes as much when he states that in Mimura, "the microcomputer 11 excludes the masked blocks and controls the lens 2 on the basis of the signal for the remaining blocks to obtain optimum amount of light on the remaining photometric areas." (See ¶2, page 3 of the Office Action.)

The Examiner thus admits this masking operation of Mimura as previously explained by Applicants in distinguishing the claimed invention. Applicants herein amend independent claims 1, 3, 6 and 9 to more precisely recite this aspect of the present invention to further clarify the distinction over the cited Mimura.

Accordingly, Applicants respectfully submit that the present invention as claimed is neither anticipated by nor rendered obvious in view of any of the cited references (Mimura, Iwasaki, Shimizu and Faltermeier) taken individually or in any combination. Applicants respectfully submit that the independent claims as amended are in condition for allowance for at least the foregoing reasons.

Furthermore, as the remaining rejected claims are each dependent upon either independent claim 1, 3, 6, or 9, Applicants respectfully submit that these dependent claims are also allowable for at least the same reasons as the independent claims from which they depend. While Applicants have not addressed the individual rejections of the dependent claims, Applicants reserve the right to address those individual rejection of the dependent claims in the future should such be necessary and appropriate.

**New claims 17-20**

New claims 17-20 have been added which depend from independent claims 1, 3, 6 and 9 respectively. These claims relate to an optimizing of the exposure control state being

performed by the exposure control means triggered with an operation of exposure-correction execution key 22. These claims are believed allowable for at least similar reasons as for the independent claims from which they depend.

### CONCLUSION

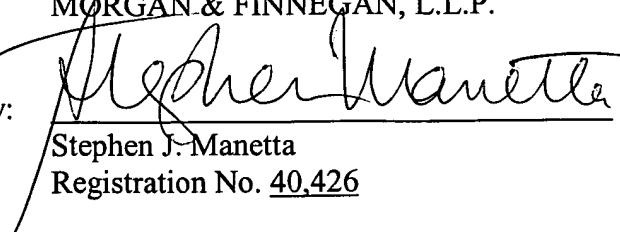
Accordingly, Applicants believe that the claims as herein presented are allowable over the cited art as they each recite at least the foregoing features which are not disclosed, taught nor suggested by the cited art, taken alone or in combination. All rejections being overcome, Applicants respectfully submit that the application is in condition for allowance, which action is earnestly solicited.

In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

No fees or extension of time are believed necessary for the filing of this paper. However, should an extension of time be required to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4252US2.

Respectfully submitted,  
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